

AMENDED IN SENATE MAY 27, 2014
AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1395

Introduced by Senator Block

February 21, 2014

An act to amend Section 115880 of the Health and Safety Code, relating to public beaches.

LEGISLATIVE COUNSEL'S DIGEST

SB 1395, as amended, Block. Public beaches: inspection for contaminants.

Existing law requires the State Department of Public Health to adopt regulations for the minimum public health standards of public beaches, including requiring the testing of waters adjacent to all public beaches for specified microbial contaminants. Existing law authorizes the department to require testing of the waters adjacent to all public beaches for additional microbial indicators if the department establishes that those indicators are as protective of the public health.

~~This bill would authorize the department to test the of waters adjacent to all public beaches for microbial indicators or a subset of those indicators if the department establishes that the alternative indicators, in combination with a related test method and protective standard, are as protective of the public health as the indicators. The bill would authorize the department, in making that determination, to take into account whether the alternative indicators and related test method can provide results more quickly.~~

This bill would authorize the department to allow a local health officer to use an approved *specified* polymerase chain reaction testing ~~method~~ *methods published by the United States Environmental Protection*

Agency to determine the level of enterococci bacteria as a single test based on a single indicator in that jurisdiction if the local health officer demonstrates through side-by-side testing over a beach season that the use of the test method provides a reliable indication of overall microbiological contamination conditions. *The bill would authorize the department, in making the determination of whether to authorize the use of those testing methods by a local health officer , to take into account whether the alternative indicators and related test method can provide results more quickly.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115880 of the Health and Safety Code
2 is amended to read:
3 115880. (a) The department shall, by regulation and in
4 consultation with the board, local health officers, and the public,
5 establish, maintain, and amend as necessary, minimum standards
6 for the sanitation of public beaches, including, but not limited to,
7 the removal of refuse, as it determines are reasonably necessary
8 for the protection of the public health and safety.
9 (b) Prior to final adoption or amendment by the department, the
10 regulations and standards required by this section shall undergo
11 an external comprehensive review process similar to the process
12 set forth in Section 57004 of the Health and Safety Code.
13 (c) The regulations shall, at a minimum, do all of the following:
14 (1) Require the testing of the waters adjacent to all public
15 beaches for microbiological contaminants, ~~including~~ including,
16 *but not limited to*, total coliform, fecal coliform, and enterococci
17 bacteria. ~~The regulations department may require or authorize the~~
18 ~~testing of waters adjacent to all public beaches for microbiological~~
19 ~~indicators other than those set forth in this paragraph, or for a~~
20 ~~subset of the indicators those set forth in this paragraph, if the~~
21 ~~department affirmatively establishes, based on the best available~~
22 ~~scientific studies and the weight of the evidence, that the alternative~~
23 ~~indicators, in combination with a related test method and protective~~
24 ~~standard, indicators are as protective of the public health as the~~
25 ~~indicators set forth in this paragraph. In making that determination,~~
26 ~~the department may take into account whether an alternative~~

~~indicator or subset of indicators, with the associated test method, can provide results more quickly, thereby reducing the period of time the public is at risk while waiting for contamination to be confirmed.~~ *health.*

(2) Establish protective minimum standards for total coliform, fecal coliform, and enterococci bacteria, or for other microbiological indicators ~~or subset of indicators~~ that the department determines are appropriate for testing pursuant to paragraph (1).

(3) Require that the waters adjacent to public beaches are tested for total coliform, fecal coliform, and enterococci bacteria, or for other microbiological indicators ~~or subset of those indicators~~ that the department determines are appropriate for testing pursuant to paragraph (1). Except as set forth in subdivision (e), testing shall be conducted on at least a weekly basis from April 1 to October 31, inclusive, of each year beginning in 2012, if ~~all~~ *both* of the following apply:

(A) The beach is visited by more than 50,000 people annually.

(B) The beach is located on an area adjacent to a storm drain that flows in the summer.

(d) ~~If~~ *Notwithstanding subdivision (a), if* a local health officer demonstrates or has demonstrated through side-by-side testing over a beach season that the use of ~~an approved polymerase chain reaction testing method~~ *United States Environmental Protection Agency method 1609 or 1611, or any equivalent or improved rapid detection method published by the United States Environmental Protection Agency for use in beach water quality assessment,* to determine the level of enterococci bacteria as a single indicator provides a reliable indication of overall microbiological contamination conditions in all or part of that health officer's jurisdiction, the department may authorize the use of that testing method in that jurisdiction instead of other testing methods. *In making that determination, the department shall take into account whether an alternative indicator or subset of indicators, with the associated test method, can provide results more quickly, thereby reducing the period of time the public is at risk while waiting for contamination to be confirmed.*

(e) The monitoring frequency and locations established pursuant to this section and related regulations may be reduced or altered only after the testing required pursuant to paragraph (3) of

1 subdivision (c) reveals levels of microbiological contaminants that
2 do not exceed, for a period of two years, the minimum protective
3 standards established pursuant to this section.

4 (f) The local health officer shall be responsible for testing the
5 waters adjacent to, and coordinating the testing of, all public
6 beaches within his or her jurisdiction.

7 (g) The local health officer may meet the testing requirements
8 of this section by utilizing test results from other parties conducting
9 microbiological contamination testing of the waters under his or
10 her jurisdiction.

11 (h) Any city or county may adopt standards for the sanitation
12 of public beaches within its jurisdiction that are stricter than the
13 standards adopted by the department pursuant to this section.